

**DENTISTRY EXAMINING BOARD  
MADISON, WI  
SEPTEMBER 10, 2003**

**PRESENT:** Bruce Barrette, DDS; David Carroll, RDH; Keith Clemence, DDS; Nanette Kosydar Dreves, RDH; Judith Ficks, Wilber Gill, DDS; Karen Jahimiak, DDS; Catherine Schleis, RDH; Arthur Srb, Richard Strand, DDS; Bruce Trimble, DDS

**STAFF PRESENT:** Tom Ryan, Bureau Director; Jacquelynn Rothstein, Legal Counsel; Pamela Meicher, Program Assistant; and DOE staff

**GUESTS:** Peter Theo, WDHA; Mara Brooks, WDA; Fred Jaeger, DDS, WDA

**CALL TO ORDER**

Chair Bruce Barrette called the meeting to order at 8:38 a.m. A quorum of 11 members was present.

**PLEDGE OF ALLEGIANCE**

**AGENDA**

**Amendments to Agenda:**

Letter from Linda Jorgenson, R.D.H., B.S. – WDHA President  
Endorsement Application – Julian Schlesinger  
Summary Reports on Pending Court Cases, Disciplinary Cases, Administrative Rules and Legislation  
Memo – American Association of Dental Examiners (AADE) Annual Meeting  
Letter - Re-registration for Renee C. Gritzner  
Application Review – Derrick Veneman, DDS  
Letter – Complimenting Dr. Ahmad Eslami

**MOTION:** David Carroll, RDH, moved, seconded by Karen Jahimiak, DDS, to approve the agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES OF JULY 2, 2003**

**MOTION:** Judith Ficks moved, seconded by Nanette Kosydar Dreves, RDH, to approve the minutes of July 2, 2003, as amended. Motion carried unanimously.

Chair Bruce Barrette, DDS, recognized past Division Administrator and Bureau Director Patrick Braatz. Mr. Braatz took a few minutes to thank the Board for their support during his term with the Department and informed the Board of his selection as the Executive Director Oregon Board of Dentistry. Mr. Braatz relayed his views and the circumstances surrounding his departure from DRL and criticized the recent assignment of Deanna Zychowski (previous Acting Bureau Director). Mr. Braatz praised Mrs. Zychowski for her teaching abilities and her vast knowledge and experience of the Department. The Board acknowledged Mr. Braatz's past efforts as bureau director and wished him well in Oregon.

### **DOE CASE PROCESSING**

Attorney-Health Team Supervisor Michael Berndt discussed DOE case processing. Mr. Berndt advised the Board that DOE addresses the cases designated P1 (priority 1) by the DOE attorney, investigator, and assigned case advisor, before other cases. Mr. Berndt and investigators will meet with each case advisor to review case designations and identify the Board's top five cases.

### **PRESENTATION OF STIPULATION IN THE MATTER CONCERNING LINDA JEAN TERLECKE, WAUKESHA, WI, BY ATTORNEY STEVE GLOE – CASE ADVISOR – BRUCE WAYNE TRIMBLE, DDS**

DOE Attorney Steve Gloe presented a proposed stipulation in the matter concerning Linda Jean Terlecke. This matter will be deliberated on in closed session.

### **REVIEW SCOPE STATEMENT RE: ORAL CONSCIOUS SEDATION**

The Board reviewed and approved the scope statement relating to oral conscious sedation.

**MOTION:** Keith Clemence, DDS, moved, seconded by Wilber Gill, DDS, to adopt and publish the language in the Board-approved scope statement on oral conscious sedation. Motion carried unanimously.

### **POLICY STATEMENT ON USE OF “SLEEP” OR “SNOOZE” DENTISTRY IN ADVERTISING**

The Board reviewed and approved a policy statement covering “sleep” or “snooze” dentistry in advertising.

**MOTION:** Richard Strand, DDS, moved, seconded by David Carroll, RDH, to adopt the policy statement covering “sleep dentistry or snooze dentistry” for inclusion in a press release. Motion carried unanimously.

### **ADMINISTRATIVE RULE CL 02-139 – DE 1.015, FACULTY LICENSE - UPDATE**

Attorney Jacquelynn Rothstein advised the Board that this rule was sent to the legislature a couple of weeks ago. The latest change would require the faculty member to notify the Department of Regulation and Licensing when leaving the university.

## **ADMINISTRATIVE RULE CL 02-138 – DE 6.02 (4)(c), DENTAL SPECIALTIES – CONSIDER FOR APPROVAL**

The Board was provided with the final order repealing the note following DE 6.02 (4) (c); and to amend DE 6.02 (4) (c) relating to dental specialties. After a brief discussion the Board gave final approval on adoption.

**MOTION:** Nanette Kosydar Dreves, RDH, moved, seconded by Wilber Gill, DDS, for final approval on adoption of Clearinghouse Rule 02-138, DE 6.02, relating to dental specialties. Motion carried unanimously.

## **REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES, AND ADMINISTRATIVE RULES**

The Board noted that case number 02-CV-1227, Krahenbuhl vs. Wisconsin Dentistry Board is on appeal and reviewed cases in the Administrative Rules Report.

## **DHFS WORKFORCE SURVEY – DISCUSSION**

The Board discussed the 2003 Dentist Workforce Survey as noticed by a ¼ page insert included with Dentist's license renewal applications. The Board questioned why the survey notice was included with a DRL mailing when the data collection obligation resides with DHFS. The Department suggested the agencies may have decided to couple the survey notice and the renewal to avoid a superfluous mailing. Attorney Rothstein will work with Tom Ryan to determine how and when the survey originated.

## **ACCREDITATION SITE VISIT, MILWAUKEE AREA TECHNICAL COLLEGE, SEPTEMBER 23, 24, 2003 – APPOINTMENT OF VOLUNTEER**

There were no Board member volunteers to participate at this site visit in Milwaukee.

## **NATIONAL BOARD EXAM ADMINISTRATION – BOARD MEMBER VOLUNTEER**

Judith Ficks volunteered to be the Board delegate to assist with the administration of examinations at Marquette University, December 1-2, 2003. Catherine Schleis volunteered as the alternate.

**MOTION:** Nanette Kosydar Dreves, RDH, moved, seconded by Karen Jahimiak, DDS, to appoint Judith Ficks as the Board delegate to the National Board Examination Administration site, and Catherine Schleis as the alternate. Motion carried unanimously.

## **CRDTS – DR. RICHARD STRAND**

Richard Strand, DDS, a member of the CRDTS Steering Committee reported that the next meeting is scheduled for October 3, 2003.

## **AADE REPORT – DR. RICHARD STRAND**

Richard Strand advised the Board that oral sedation will be a central topic at the AADE meeting scheduled for the October meeting in San Francisco. Board members attending will be Dr. Barrette, Dr. Strand and Judith Ficks, in addition to the Board's legal counsel, Jacquelynn Rothstein.

## **ATTENDANCE AT AADE MEETING**

**MOTION:** Richard Strand, DDS, moved, seconded by Nanette Kosydar Dreves, RDH, to approve to send Dr. Barrette, Judith Ficks and Jacquelynn Rothstein to the AADE meeting in San Francisco. Motion carried unanimously.

## **NPDB DRAFT PAPER – REVIEW AND COMMENT**

Noted.

## **REGULATORY DIGEST DRAFT SUBMISSIONS - REVIEW INFORMATIONAL ITEMS**

The Board reviewed and approved the following submissions for the Regulatory Digest: DRL Welcomes New Secretary; Dental and Dental Hygiene License Renewal: A Reminder; Teeth Whitening; DEB Disciplines; and Recordkeeping Reminders. Amendments were provided regarding the titles of current Department leadership.

**MOTION:** Wilber Gill, DDS, moved, seconded by Karen Jahimiak, DDS, accept all the submissions, as amended, for the Regulatory Digest. Motion carried unanimously.

## **OTHER INFORMATION**

**MOTION:** Nanette Kosydar Dreves, RDH, moved, seconded by Judith Ficks, to allow Lloyd Smith, DDS, a recent appointee, to join the Board in closed session. Motion carried unanimously.

## **CLOSED SESSION**

**MOTION:** Judith Ficks moved, seconded by David Carroll, to convene to closed session to deliberate on cases following hearing (Wis. Stat. § 19.85 (1) (a)), to consider closing disciplinary investigation with administrative warning (Wis. Stat. § 19.85 (1)(b) and Wis. Stat. § 440.205), to consider individual histories or disciplinary data (Wis. Stat. § 19.85 (1)(f); and to consult with legal counsel (Wis. Stat. § 19.85 (1) (g)) Motion carried by roll call vote: Bruce Barrette, DDS-yes, David Carroll, RDH-yes, Keith Clemence, DDS-yes, Nanette Kosydar Dreves, RDH-yes, Judith Ficks-yes, Wilber Gill, DDS-yes, Karen Jahimiak, DDS-yes, Catherine Schleis, RDH-yes, Arthur Srb-yes, Richard Strand, DDS-yes, Bruce Trimble, DDS-yes.

Open session recessed at 10:32 p.m.

**RECONVENE INTO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION**

**MOTION:** Judith Ficks moved, seconded by Catherine Schleis, RDH, to reconvene into open session at 2:27 p.m. Motion carried unanimously.

**VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION**

**DELIBERATE ON OBJECTIONS AND RESPONSE TO OBJECTIONS REGARDING COSTS IN THE MATTER OF GERALD GATZKE, DDS.**

**MOTION:** Wilber Gill, DDS, moved, seconded by Richard Strand, DDS, to issue an Order fixing costs at \$1548.15, in the matter concerning Gerald Gatzke, DDS, and have the OLC update the Summary Report on Pending Cases, Disciplinary Cases, Administrative Rules and Legislation to reflect the amount of costs ordered. Catherine Schleis, RDH, abstained. Motion carried.

**DELIBERATION OF STIPULATION IN THE MATTER CONCERNING LINDA JEAN TERLECKE, WAUKESHA, CASE ADVISOR BRUCE WAYNE TRIMBLE, DDS**

**MOTION:** Karen Jahimiak, DDS, moved, seconded by Wilber Gill, DDS, to adopt the Final Decision, Order and Stipulation in the matter of Linda Jean Terlecke. Bruce Wayne Trimble, DDS, abstained. Motion carried.

**CONSIDER CLOSING DISCIPLINARY INVESTIGATION IN THE MATTER OF 02 DEN 105 WITH ADMINISTRATIVE WARNING – WIS. STAT. § 19.85 AND WIS. STAT. § 440.205**

**MOTION:** Catherine Schleis, RDH, moved, seconded by David Carroll, RDH, to reject the Administrative Warning in the matter concerning 02 DEN 105, and to reassign the case to a new advisor. Case advisor Bruce Wayne Trimble, DDS, abstained. Roll Call vote taken: Bruce Barrette, DDS-yes, David Carroll, RDH-yes, Keith Clemence, DDS-yes, Nanette Kosydar Dreves, RDH-yes, Judith Ficks-no, Wilber Gill, DDS-yes, Karen Jahimiak, DDS-yes, Catherine Schleis, RDH-yes, Arthur Srb-yes, Richard Strand, DDS-yes. Motion carried.

**CONSIDER CLOSING DISCIPLINARY INVESTIGATION IN THE MATTER OF 02 DEN 138, WITH ADMINISTRATIVE WARNING – WIS. STAT. § 19.85 AND WIS. STAT. § 440.205**

**MOTION:** Nanette Kosydar Dreves, RDH, moved, seconded by Catherine Schleis, RDH, to reject the Administrative Warning in the matter concerning 02 DEN 138. Case advisor Bruce Wayne Trimble, DDS, and Bruce Barrette, DDS, abstained. Motion carried.

**CONSIDER CLOSING DISCIPLINARY INVESTIGATION IN THE MATTER OF  
00 DEN 055, WITH ADMINISTRATIVE WARNING – WIS. STAT. § 19.85 AND WIS.  
STAT. § 440.205**

**MOTION:** Richard Strand, DDS, moved, seconded by Catherine Schleis, RDH, to reject the Administrative Warning in the matter concerning 00 DEN 055. Motion carried unanimously.

**REVIEW OF TREATMENT PLAN AND APPEARANCE –  
BLAIR D. MOLDENHAUER, DDS**

**MOTION:** Bruce Wayne Trimble, DDS, moved, seconded by Judith Ficks, to grant a three month stay of suspension in the matter concerning Blair D. Moldenhauer, DDS, and approve Dr. Fleming's recommendations, and the Board asked DOE to follow up on last month's referral of Dr. Moldenhauer for possible violation of Board Order. Roll call vote: Bruce Barrette, DDS-yes, David Carroll, RDH-yes, Keith Clemence, DDS-yes, Nanette Kosydar Dreves, RDH-no, Judith Ficks-yes, Wilber Gill, DDS-yes, Karen Jahimiak, DDS-yes, Catherine Schleis, RDH-yes, Arthur Srb-yes, Richard Strand, DDS-yes, Bruce Wayne Trimble, DDS-yes. Motion carried.

**MOTION:** Bruce Wayne Trimble, DDS, moved, seconded by Judith Ficks, to accept Michael Fleming's letter with changes to recommendation 1: Delete "through June 30, 2004" and the last sentence "I do not feel he needs to return to Rogers Memorial Hospital and the Herrington House. Delete recommendations 2, 7 and 8. Motion carried unanimously.

**APPLICATION REVIEW AND APPEARANCE – CRYSTAL M. ELPERT, RDH**

**MOTION:** Dr. Wilber Gill, moved, seconded by Dr. Bruce Wayne Trimble, to grant a license to Crystal M. Elpert, RDH. Motion carried unanimously.

**APPLICATION REVIEW AND APPEARANCE – RAYNA L. KOENIG, RDH**

**MOTION:** Nanette Kosydar Dreves, RDH, moved, seconded by Bruce Wayne Trimble, DDS, to grant a license to Rayna L. Koenig, RDH. Judith Ficks abstained. Motion carried.

**APPLICATION REVIEW AND APPEARANCE – MICHELLE L. ROEDER, RDH**

**MOTION:** Catherine Schleis, RDH, moved, seconded by Nanette Kosydar Dreves, RDH, to grant a license to Michelle L. Roeder, RDH. Motion carried unanimously.

**REQUEST FOR THREE MONTH STAY – JAMES MARKENSON, DDS**

**MOTION:** Judith Ficks moved, seconded by Nanette Kosydar Dreves, RDH, to grant a three month stay of suspension in the matter of James Markeson, DDS. Motion carried unanimously.

**STATUS UPDATE – NILES BAKKE, DDS**

The Board reviewed the Monitoring Report provided by DOE.

**CONSIDERATION OF NEW DATES FOR COSTS AND CONTINUING EDUCATION – BRIAN PAINTER, DDS**

**ADMINISTRATIVE WARNING**

**MOTION:** Nanette Kosydar Dreves, RDH, moved, seconded by Catherine Schleis, RDH, to accept DOE's recommendations of new dates, costs and continuing education in the matter of Brian Painter, DDS. Motion carried unanimously.

**REQUEST FOR THREE MONTH STAY – JOHN REED, DDS**

**MOTION:** Nanette Kosydar Dreves, RDH, moved, seconded by Richard Strand, DDS, to grant a three month stay of suspension in the matter of John Reed, DDS. Motion carried unanimously.

**APPLICATION REVIEW – DR. MICHAEL ENGLAND**

**MOTION:** Judith Ficks moved, seconded by Richard Strand, DDS, to deny the application of Dr. Michael England. Motion carried unanimously.

**REVIEW APPLICATION – JULIAN SCHLESINGER, DDS**

**MOTION:** Richard Strand, DDS, moved, seconded by Karen Jahimiak, DDS, to deny the application of Julian Schlesinger, DDS. Motion carried unanimously.

**REVIEW APPLICATION - DERRICK VENEMAN, DDS**

**MOTION:** Nanette Kosydar Dreves, RDH, moved, seconded by Catherine Schleis, RDH, to accept the application of Derrick Veneman, DDS. Motion carried unanimously.

**DIVISION OF ENFORCEMENT – CASE STATUS REPORT**

**MOTION:** Judith Ficks moved, seconded by Catherine Schleis, RDH, to close 03 DEN 030 for no violation. Motion carried unanimously.

**MOTION:** Bruce Wayne Trimble, DDS, moved, seconded by Wilber Gill, DDS, to close 03 DEN 034 for no violation. Motion carried unanimously

**MOTION:** Richard Strand moved, seconded by Nanette Kosydar Dreves, to close 02 DEN 155 for insufficient evidence. David Carroll abstained. Motion carried.

**MOTION:** Nanette Kosydar Dreves moved, seconded by Judith Ficks, to close 02 DEN 149 for no violation. Motion carried unanimously.

### **ADMINISTRATIVE REPORT**

Secretary Donsia Strong Hill requested all Department staff leave the room although the Board remained in open session. All DRL staff left the room (except Secretary Strong Hill).

Secretary Strong Hill then addressed the Board in response to Patrick Braatz's appearance earlier in the day. The Secretary advised the Board that the DRL is the only state department that is required to staff the Bureau Director and Division Administrator positions with unclassified employees (appointee). The previous Bureau Director and Division Administrator position for the Health Professions were classified staff.

The Secretary expressed her belief that she would be more in conformance with legislative intent by appointing an unclassified employee to the Bureau Director position. The Secretary expressed her opinion that the legislature has decided that when the Department and Boards interact, issues arise that are more appropriately addressed by the Secretary's appointee (unclassified employee).

Secretary Strong Hill expressed a desire for the Board and DRL to work together in a positive manner, in sync with our mission in protecting the safety of the dental consumer in the State of Wisconsin.

### **ADJOURN**

**MOTION:** Judith Ficks moved, seconded by Nanette Kosydar Dreves, to adjourn the meeting at 3:09 p.m. Motion carried unanimously.

**Next Meeting: November 5, 2003**